

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

WESAM EL-HANAFI,  
a/k/a "Khaled," and  
SABIRHAN HASANOFF,  
a/k/a "Tareq,"

Defendants.

S4 10 Cr. 162 (KMW)

**DECLARATION OF  
RICHARD H. PAUGH**

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RICHARD H. PAUGH, pursuant to 28 U.S.C. § 1746, declares the following  
under penalty of perjury:

1. I am a Detective with the Port Authority of New York and New Jersey Police Department, currently assigned to the New York-based Joint Terrorism Task Force. I have been a Detective for approximately 11 years, and I have been assigned to the JTTF for approximately 10 years. I am currently assigned to Squad CT-2 of the JTTF, which has responsibility for investigating international terrorism. During my tenure in law enforcement, I have conducted and participated in numerous investigations of criminal activity, including, but not limited to, criminal violations relating to the provision of material support and resources to designated foreign terrorist organizations, in violation of Title 18, United States Code, Section 2339B. During the investigation of these and other crimes, I have executed, or participated in the execution of, search warrants, including search warrants of email accounts, and I have seized evidence obtained from those search warrants. I am one of the law enforcement officers with the JTTF responsible for the investigation and prosecution of defendants Wesam El-Hanafi and

Sabirhan Hasanoff.

2. On or about March 1, 2010, at the advice of FBI counsel, the JTTF established a “wall” team of JTTF officers to review email communications of the defendants that would be obtained in the course of this investigation. The officers assigned to this “wall” review were not assigned to the investigation into the defendants, nor have they ever been assigned to the investigation. The responsibility of the “wall” officers was to conduct an initial review of email communications obtained in the investigation to ensure that the communications did not contain any privileged attorney-client communications and, if they did, to segregate such communications from the investigating officers.

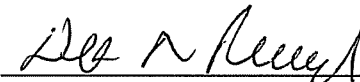
3. On or about March 22, 2010, I submitted a sworn affidavit to United States Magistrate Judge Gabriel W. Gorenstein, in support a search warrant for the Yahoo email account, welhanafi@yahoo.com. The JTTF’s investigation revealed that this email account was being utilized by El-Hanafi, and I submitted in my affidavit that there was probable cause to believe that the warrant would contain evidence and instrumentalities of violation of federal law, including the federal statutes that criminalize the provision of material support and resources to designated foreign terrorist organizations, such as al Qaeda. On that same day, Judge Gorenstein issued a search warrant, docketed 10 Mag. 558, authorizing a search of the email account, welhanafi@yahoo.com.

4. On or about April 9, 2010, I received the results of the search warrant on the email account, welhanafi@yahoo.com. By the time I received these results, the aforementioned “wall” review procedures were already in place and were being followed. I subsequently reviewed the results from the welhanafi@yahoo.com account, and never was

exposed to any communications between El-Hanafi and any individuals who appear to have been his current or former attorneys. I have discussed this issue with the other JTTF officers assigned to this case, and confirmed that none of those officers have reviewed any communications containing privileged communications between El-Hanafi and his current or former attorneys. Nor have we reviewed any privileged communications of El-Hanafi's co-defendant, Hasnaoff.

I declare under penalties of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Dated: July 27, 2011  
New York, New York

By:   
Detective Richard H. Paugh  
Joint Terrorism Task Force